

Minutes

March 17, 2021

N. C. Board of Agriculture

Ray Allen

Ben Shelton

Doug Boyd

Bob Sutter

Jose Calderon

Jeffrey Turner

John William Carter, III

Scott Tyson

Anne Faircloth

Faylene Whitaker

Jim Lambeth

Steve Troxler, Chairman

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Call to Order

Roll Call

Reading of the Ethics Reminder

Approve Minutes from the November 19, 2020 Meeting

Reading of Ethics Statements

- Commissioner Steve Troxler
- Ray Allen
- Jose Calderon

Imported Fire Ant Quarantine Changes

Rulemaking, Initiate Rulemaking Process

- 02 NCAC 60B, Section 1000

Department Updates

Other Business

Adjourn

Minutes

March 17, 2021

N.C. Board of Agriculture

The March 17, 2021 NC Board of Agriculture meeting was held virtually via Microsoft Teams and conference call. The Commissioner called the virtual meeting to order at 2:01 p.m. pursuant to Section 43.1(a) of Session Law 2020-3 entitled "Public Bodies/Remote Meetings During Declared Emergencies" which applies to a "remote meeting" conducted by a "public body" utilizing a method of "simultaneous communication".

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Chrissy Waggett called the roll and established that there was a quorum. The following Board members participated via Microsoft Teams: Commissioner Troxler, Ray Allen, Doug Boyd, Jose Calderon, Billy Carter, Anne Faircloth, Jim Lambeth, Ben Shelton, Bob Sutter, Jeff Turner, and Scott Tyson.

Other participants were Tina Hlabse, Zane Hedgecock, Joe Reardon, Sandy Stewart, Scott Bissette, Kaleb Rathbone, Laura Kilian, Tien Cheng, Jeff Burns, Greg Hicks, Phil Wilson, Weston McCorkle, Chris McClellan, Chrissy Waggett, and Anna Hayworth.

All participants were asked to identify themselves before speaking and were reminded that a roll call would be taken for each vote.

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Commissioner Troxler read the ethics reminder and then called for approval of the minutes from the November 19, 2020 Board meeting.

Jeff Turner made the MOTION to approve the November 19, 2020 meeting minutes as provided. The motion was seconded by Doug Boyd. There were no questions or discussion. The following Board members voted "yea": Ray Allen, Doug Boyd, Jose Calderon, Billy Carter, Anne Faircloth, Jim Lambeth, Ben Shelton, Bob Sutter, Jeff Turner, and Scott Tyson. There were no "nay" votes and the motion passed.

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Tina Hlabse, General Counsel and Secretary of the Board was called on to read three ethic statements into the minutes, which are attached. Tina Hlabse reminded all Board members that their Statement of Economic Interests were due by April 15, 2021.

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Commissioner Troxler then called upon Phil Wilson, Director of the Plant Industry Division, to present the amendments to the Imported Fire Ant Quarantine. The NCDA&CS Plant

Industry Division is proposing to add five entire counties as areas quarantined for the Imported Fire Ant – Alamance, Burke, Guilford, Jackson, and McDowell. The changes are being proposed based on field surveys and Plant Protection Staff. If the Board approves the changes, the Division will submit the changes to USDA-APHIS for inclusion in the federal quarantine. The Board members were provided a map of North Carolina that shows the regulated areas, the non-regulated areas, and the proposed regulated areas.

There was discussion between the Board members and Phil Wilson about treating potting mix in order for it to be moved to another county.

Ray Allen made the MOTION to approve the additional five counties as areas quarantined for the Imported Fire Ant as presented by Phil Wilson. The motion was seconded by Jose Calderon. The following Board members voted “yea”: Ray Allen, Doug Boyd, Jose Calderon, Billy Carter, Anne Faircloth, Jim Lambeth, Ben Shelton, Bob Sutter, Jeff Turner, and Scott Tyson. There were no “nay” votes and the motion passed.

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The next item on the agenda was to initiate the rulemaking process on numerous rules in 02 NCAC 60B, Section 1000, Dupont State Forest. The Commissioner called on Tien Cheng to present the proposed changes. Mr. Cheng noted that there were both amendments and new adoptions to consider in the Section. Mr. Cheng went through the rules and explained that most of the changes were intended to make the rules easier to read, easier for the North Carolina Forest Service to enforce, to update contacts and websites, and to better protect and preserve the forests while allowing the public to enjoy the forests.

There was a question about Rule 02 NCAC 60B .1008 and the removal of animals by Jose Calderon. Mr. Cheng clarified that the animals referred to in the rules were pets who may be unruly or disruptive to others brought into the forests by visitors. In addition, there was discussion about noise levels in Rule 02 NCAC 60B .1022. Amendments to this rule are proposed in order make sure it is enforceable since decibels cannot be measured.

Bob Sutter made a MOTION to initiate the rulemaking process on all the rules in 02 NCAC 60B, Section 1000, presented by Tien Cheng. The MOTION was seconded by Doug Boyd. There were no further questions or discussion. The following Board members voted “yea”: Ray Allen, Doug Boyd, Jose Calderon, Billy Carter, Anne Faircloth, Jim Lambeth, Ben Shelton, Bob Sutter, Jeff Turner, and Scott Tyson. There were no “nay” votes and the motion passed.

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Commissioner Troxler asked NCD&CS staff to give updates on their different areas and then asked the Board members to give brief updates on the current conditions in their respective areas.

Assistant Commissioner Joe Reardon provided an update on the progress of the new lab, the NC Agricultural Sciences Center, which is nearing completion and should be ready by the

end of the year. Mr. Reardon also informed everyone that he will be retiring from the Department on June 30th.

Assistant Commissioner Sandy Stewart gave an update on the different grant programs that the Department were running as a result of appropriated CARES Act funding from the General Assembly. He updated the Board on several programs mentioned in previous meetings: grants for small meat processors, and grants for small farmers markets. He mentioned a new program to help reimburse farmers for costs with testing and vaccination of H2A workers. He spoke about the activities related to trade and the Go Global Initiative that the Commissioner is co-chairing with Secretary of State Elaine Marshall.

Assistant Commissioner Scott Bissette talked about the number of fires and prescribed burns and mentioned that North Carolina Forest Service Staff was assisting at the mass vaccination site in Greensboro.

Kaleb Rathbone was introduced as the newest Assistant Commissioner for Western North Carolina and small farms. Kaleb talked about the upgrades to the Western NC Farmers Market and the Western NC Ag Center. The Western NC Ag Center was also used as a vaccination site. Mr. Rathbone noted that the Small Farms Division was busy helping small and minority farmers navigate farm programs. He also announced that there would be a Mountain State Fair in September.

Chris McClennan, Assistant Attorney General, then gave a brief update on the DEQ Waste Permit case. The Administrative Law Judge ruled that DEQ failed to go through the rulemaking process, and the DEQ appeal will be reviewed by the Superior Court.

Laura Kilian, Legislative Liaison, updated the Board on the newest COVID-related bills coming as a result of federal legislation. She mentioned that the Department's budget request would be similar to the previous request since it is currently operating on a Continuing Resolution.

Each Board member reported on the current weather and crop conditions in their areas.

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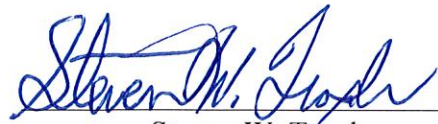
There being no further discussion or board business, Jeff Turner made a MOTION to adjourn the meeting. The MOTION, seconded by Jim Lambeth, passed with each Board member voting "yea." The meeting of the N.C. Board of Agriculture adjourned at 3:09 p.m.

Recorded and Prepared by:

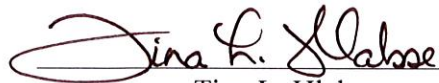
Christina L. Waggett

Adopted by the Board this 28<sup>th</sup> day

of June, 2021.



Steven W. Troxler  
Commissioner of Agriculture  
Chairman



Tina L. Hlabse  
Secretary



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685

RALEIGH, NC 27611

PHONE: 919-814-3600

### Via Email

December 10, 2020

The Honorable Steven Troxler  
North Carolina Department of Agriculture and Consumer Services  
1001 Mail Service Center  
Raleigh, NC 27699-1001

**Re: Evaluation of Statement of Economic Interest Filed by  
Steven Troxler - Appointee to the Board of Agriculture**

Dear Commissioner Troxler:

Our office has received a 2020 Statement of Economic Interest from you as a member of the **Board of Agriculture**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

The Board of Agriculture acts as an adviser to the Commissioner of Agriculture regarding the improvement, promotion, and regulation of North Carolina agriculture. Its members, appointed by the Governor, represent various agricultural interests of the State. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services, including rules relating to the sale of commercial fertilizers, feeds, pet foods, seeds, and food products, and the control of diseases affecting livestock and insect infestations, imposition of transportation restrictions and quarantines. The Board also establishes fees for the State Fair and for the use of State Fair lands.

The Act establishes ethical standards for certain public servants, and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their

impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

As the Commissioner of Agriculture for the State of North Carolina, you hold an ex-officio role on the Board. You have disclosed that you and your wife hold an ownership interest in The Homeplace of Browns Summit, LLC, an agritourism business. As such, you should exercise appropriate caution in the performance of your public duties should issues regarding The Homeplace of Browns Summit, LLC come before the Board for official action.

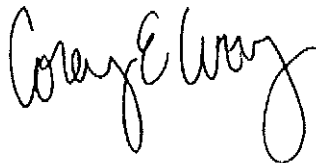
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Curry". The signature is fluid and cursive, with a large loop at the end.

Corey Curry, SEI Unit  
State Ethics Commission

cc: Tina Hlabse, Ethics Liaison

Attachment: Ethics Education Guide





## STATE ETHICS COMMISSION

POST OFFICE BOX 27685

RALEIGH, NC 27611

PHONE: 919-814-3600

### Via Email

December 10, 2020

The Honorable Roy A. Cooper, III  
Governor of North Carolina  
20301 Mail Service Center  
Raleigh, North Carolina 27699-0301

**Re: Evaluation of Statement of Economic Interest Filed by  
Franklin Allen - Appointee to the Board of Agriculture**

Dear Governor Cooper:

Our office has received **Franklin Allen's** 2020 Statement of Economic Interests as an appointee to the **Board of Agriculture**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

The Board of Agriculture acts as an adviser to the Commissioner of Agriculture regarding the improvement, promotion, and regulation of North Carolina agriculture. Its members, appointed by the Governor, represent various agricultural interests of the State. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services, including rules relating to the sale of commercial fertilizers, feeds, pet foods, seeds, and food products, and the control of diseases affecting livestock and insect infestations, imposition of transportation restrictions and quarantines. The Board also establishes fees for the State Fair and for the use of State Fair lands.

The Act establishes ethical standards for certain public servants, and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their

impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Allen is President of Uwharrie Lumber Company and his spouse, Breon Allen, is employed by Tram Lumber, LLC. Mr. Allen also disclosed that he owns interest in Tram Lumber, LLC and Uwharrie Lumber Company. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should these entities come before the Board for official action.

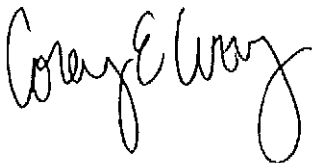
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

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Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

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Corey Curry, SEI Unit  
State Ethics Commission

cc: Franklin Allen  
Tina Hlabse, Ethics Liaison

Attachment: Ethics Education Guide



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685

RALEIGH, NC 27611

PHONE: 919-814-3600

### Via Email

December 10, 2020

The Honorable Roy A. Cooper, III  
Governor of North Carolina  
20301 Mail Service Center  
Raleigh, North Carolina 27699-0301

**Re: Evaluation of Statement of Economic Interest Filed by  
Jose Alberto Calderon-Legall - Appointee to the Board of Agriculture**

Dear Governor Cooper:

Our office has received **Jose Calderon-Legall's** 2019 and 2020 Statement of Economic Interests as an appointee to the **Board of Agriculture**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

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impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Calderon-Legall is a Sales Manager for Barnes Farming Corporation, a company that sales sweet potatoes and other produce. His spouse, Erica Barajas is employed by Boyette Brothers, a sweet potato supplier, as a Marketing Manager. As such, Mr. Calderon-Legall has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should these entities come before the Board for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

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Corey Curry, SEI Unit  
State Ethics Commission

cc: Jose Alberto Calderon-Legall  
Tina Hlabse, Ethics Liaison

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